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**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**CLARENCE ABELDGAARD,
OCEANVIEW ENTERPRISES, INC.,
CLOYD MOSER and MODEB
INVESTMENTS,**

Defendants.

)
)
)
) Case No. A-01-378 Civil (RRB)

)
) **APRIL 10, 2007 STATUS REPORT**
) **AND REQUEST TO CONTINUE**
) **STAY OF PROCEEDINGS AGAINST**
) **GERALDINE BARLING**
)
)
)

Plaintiff United States of America ("United States") hereby submits this April 10, 2007

Status Report and Request to Continue Stay of Proceedings Against Geraldine Barling (“Status Report”) in accordance with this Court’s March 13, 2007 Order Staying Proceedings Against Geraldine Barling (Docket No. 169), which required that a status report be filed by April 12, 2007 if a consent decree had not yet been lodged. The United States states as follows:

1. As previously reported to the Court in the March 12, 2007 status report (Docket No. 168), the United States and Ms. Barling took part in a settlement meeting in Anchorage, Alaska on February 28, 2007. During that meeting, representatives of the United States and Ms. Barling reached a proposed agreement. On March 12, 2007, counsel for Ms. Barling informed counsel for the United States that Ms. Barling had agreed to the terms of a proposed consent decree. The United States also reported that it was in the process of finalizing the proposed consent decree and seeking the required approvals of it.^{1/}

2. Since the United States submitted the March 12 status report, counsel for the United States has continued to make the changes required to finalize the consent decree. In addition, the approval process at EPA and at the Department of Justice have moved forward. However, more time is required to complete those efforts.^{2/}

3. Therefore, the United States requests that the stay of proceedings against Ms. Barling be continued further to May 12, 2007 or until a consent decree is lodged with the Court,

^{1/} As with all such potential settlements, the proposed consent decree requires formal review and approval at EPA as well as at the Department of Justice. Formal approval from officials with settlement authority is required before the United States can execute such a settlement, and changes may need to be made at the request of those officials. Therefore, before a proposed consent decree may be lodged with the Court, the documents must be finalized and formally approved by EPA and the Department of Justice.

^{2/} Those efforts were delayed somewhat by the birth of a child to undersigned counsel on April 2, 2007.

whichever is sooner. The United States further proposes that, if a consent decree has not been lodged by May 12, 2007, a status report be filed by May 12, 2007 that addresses the status of the case and suggests further proceedings. A proposed order is being filed contemporaneously with this Status Report.

Respectfully submitted,

MATTHEW J. McKEOWN
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UNITED STATES DEPARTMENT OF JUSTICE

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CERTIFICATE OF SERVICE

I, Mark A. Nitczynski, certify that on this April 10, 2007, I caused to be filed electronically the foregoing APRIL 10, 2007 STATUS REPORT AND REQUEST TO CONTINUE STAY OF

PROCEEDINGS AGAINST GERALDINE BARLING (along with the [PROPOSED] ORDER CONTINUING STAY OF PROCEEDINGS AGAINST GERALDINE BARLING) with the Clerk of Court using the CM/ECF system, which sends a Notice of Electronic Filing to Darryl L. Thompson (counsel for Defendant Geraldine Barling), and that I caused hard copies of the foregoing to be served by United States mail on the following persons:

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/s/ Mark A. Nitczynski
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